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bar, with provision for responsible disciplinary agencies; to adequate provision for legal education, and above all, to the taking of the bench out of politics and restoring the common-law independence of the judiciary, preferably by returning to the system of judges appointed for life or good behavior, or, at least, by some of the alternative plans proposed in the report on courts."

As Dean Pound says, it is to be hoped that the present generation of American lawyers will devote their energy and ingenuity to making over the institutions of rural America for the predominantly urban America of today.

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THE CONTROL OF AMERICAN FOREIGN RELATIONS. By Quincy Wright. New York: The Macmillan Co. 1922. Pp. xxvi, 412.

THE CONDUCT OF AMERICAN FOREIGN RELATION. By John Mabry Mathews. New York: The Century Co. 1922. Pp. xi, 353.

The publication in the same year of these two books on the vexed problem of handling American foreign relations is an event of importance. With the outbreak of the European War the foreign relations of the United States entered on a new era. From that day to this it has been necessary, to a degree not formerly experienced, for government and citizen to pay heed to affairs other than domestic. The consequences of our foreign relations are felt by all Americans, and the need for intelligent handling of them has been forced upon the public consciousness. An evidence of this was the selection by the American Philosophical Society, in 1921, of the following subject for the Henry M. Phillips Prize Essay competition: "The Control of the Foreign Relations of the United States: The relative rights, duties and responsibilities of the President, of the Senate and the House, and of the Judiciary in theory and in practice." Twelve essays were submitted, the prize being awarded to Quincy Wright, Professor of International Law in the University of Minnesota; and his present book is an expansion and revision of this essay up to January, 1922. The two books by Professors Wright and Mathews, the latter Associate Professor of Political Science in the University of Illinois, deal with the same subject, but do not cover the same ground. In many respects they complement each other, and repay study together. Professor Wright has given himself more scope in interpreting the subject, assuming as already known much of the material which Professor Mathews has carefully digested, summarized and classified. The latter book may well be used as a reference work in connection with the former.

Both writers have labored under difficulties inherent in the subject. Even to find suitable titles for these books was difficult. There is always more than one side to foreign relations, so that it may be doubted whether they may be either controlled or conducted. They may be only dealt with,

attempting to keep them in hand. A more illuminating but a bungling title for these books would have been, "American agencies, theories, practices, and difficulties in dealing with foreign relations." Professor Mathews has chosen, he says, to discuss the subject from the standpoint of political science, emphasizing "the organization of the government for the conduct of foreign relations, the control exerted by its various branches therein, and the methods of procedure therein." Five of his chapters deal with the Department of State and the diplomatic and consular services; six relate to treaties, their making, enforcement, interpretation, and termination; three relate to war and the use of force; and one each to neutrality and the maintenance of peace, recognition, and the relation of our states to foreign affairs. Each of these topics is treated historically, leading up to a statement of our present governmental situation with regard to them. In a final chapter, he concludes that the President has assumed a greater degree of power in handling our foreign affairs than the founders contemplated, but that this was both necessary and desirable and should be acquiesced in by other coördinate departments of government in a spirit of comity.

Useful and informative as such a work is, it tells only part of the story. The rights, duties, and responsibilities of the President, the Houses of Congress, and the Judiciary are affected, not only by constitutional law and practices, and indirectly by state action, but also by rules and customs of international law, and by both domestic and international politics. Indeed, we may go farther and say that in no true sense can we think of the handling of foreign relations as a mere administrative thing apart from their content. Methods of dealing with international affairs, and even the agencies which handle them, are often determined by the degree of insistence and urgency which international events possess, either actually or in political contemplation. Foreign policy, persistently adhered to, produces events which know no limitations of constitutions.

Professor Wright begins his book with an explanation of the dual character of the foreign relations problem, and develops the idea with great clarity by devoting three chapters to a study of the position of the foreign relations power under international law. This introduction lays the basis for a practical discussion, in the remaining chapters, of the constitutional aspects of American foreign relations, modified by international law, customs and treaty commitments. After dealing with the position of the foreign relations power in our constitutional system, he considers the power to meet international responsibilities through the observance and enforcement of international law, through the performance of national obligations, and the making of international agreements other than treaties. His discussion of recognition, annexation, citizenship, war, and the use of force is significantly placed in two chapters on the power to make political decisions in foreign relations. The scheme of his book is the result of thoughtful analysis of a complicated problem which does not easily lend itself to formulas; and as an expository work it is wholly adequate. But the author has not been content with this. He does not leave the reader unconsciously questioning, "Well, what of it?" In his analysis of the subject, in his open-

ing chapter on the nature of the foreign relations power, in his development of the ideas of both international and constitutional understandings, and in his final chapter on the control of foreign relations in practice he has made distinct contributions to our knowledge of the subject. The history of American foreign relations cannot be understood, nor its future foreseen, by strict application of the rules of international law or of constitutional law, or of both combined. To these must be added constitutional understandings which "suggest modes of exercising powers out of respect for international responsibilities," and international understandings which "suggest a tolerant attitude toward certain deficiencies in the meeting of international responsibilities out of respect for constitutional limitations."

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INTERVENTION IN INTERNATIONAL LAW. By Ellery C. Stowell. Washington: John Byrne and Co. 1921. Pp. viii, 558.

The author of this book aims to set forth "the occasions when a state is justified in employing force or the menace of force to influence the conduct of another state." As a result of an extensive investigation relating to intervention, it is contended that a new rule has been formulated for international conduct, namely, that no state shall unreasonably insist upon its interests to the detriment of the opposing rights and interests of other states.

There are chapters on interposition, international police, non-interference, political action, and the rule of reason. In the main the volume deals with the grounds and justification of recourse to force in the protection of the interests of individual states and the justification or condemnation of intervention in the affairs of other states. Unfortunately, this subject which is particularly in need of elucidation is dealt with in a rather unsystematic manner. The author appears to have edited and revised a great number of extracts gathered for a source-book, and to have added periodically comments, suggestions, and criticisms of his own. For examples of continuous lists of quotations, see pages 24-31, 176-188, and 355-362. Instances of oppression, persecution, and intervention are rehearsed in some detail and often with quotations from authorities pro and con. The extensive references and citations, furnishing as they do a considerable amount of concrete material, with more careful revision, condensation, and critical analysis, might have afforded a valuable guide to the practice of nations with respect to intervention and so-called limited warfare.

Primarily, the author seems to be concerned with the establishment of a basis and a justification for intervention for the purpose of protecting the rules and principles of international law. But as each nation is permitted to decide for itself when it is proper to intervene (each nation is expected to take what action it may find justifiable and expedient to secure redress for whatever injury another may have done to it, page 46), and as there is no general agreement as to the rules and principles of international law to